

REMARKS**Claims**

Claims 1 through 22 are pending in this Application. The allowance of Claims 1 through 17 was withdrawn due to the Examiner's subsequent determination that the claim language of claims 1 through 22 were still indefinite under 37 U.S.C 112, second paragraph. No amendments have been made to the claims to distinguish the invention over any cited art and the only amendments made to the claims have been made to overcome the rejections under 37 U.S.C 112, second paragraph.

**Drawings**

The sheets of Drawing present in the Application were earlier approved by the Examiner. As such, no changes are required to the Drawings and the drawing as filed are acceptable.

**Request for Continued Prosecution**

Applicant acknowledges and appreciates that the Examiner has determined that this Application was eligible for continued examination under 37 CFR 1.114, that the finality of the previous Office Action has been withdrawn pursuant to 37 CFR

1.114 and that Applicant's submission filed on July 12, 2002 had been entered.

#### **Amendment Format**

The undersigned had used the format of showing unamended claims in a small font as a convenience for the Examiner. Applicant will not hereafter submit any unamended claims in small format.

#### **Objection to the Specification**

Applicant appreciates the Examiner calling to Applicant's attention the correction required in the paragraph commencing at Line 17 and ending at line 23 of Page 17. In accordance with the Examiner's suggestion, the paragraph at lines 17 through 23 has been rewritten to replace the term "location 472" with --location 72--.

With the above correction, the Examiner's objection to the specification has been overcome.

#### **Rejection of Claims 1 through 22 Under 35 USC 112, Second Paragraph**

Upon reconsideration, the Examiner withdrew the allowance of claims 1 through 17 because the Examiner determined that these claims were still indefinite. As a result, claims 1

through 22 were again rejected under 37 U.S.C. 112, second paragraph.

In order to overcome this rejection, Applicant has proceeded as follows with respect to independent claims 1, 18 and 22. Claims 1, 18 and 22 are the primary and independent claims noted as being indefinite for the reasons set forth in Paragraphs 6, 8 and 10 of the Office Action.

Applicant has amended the independent claims 1, 18 and 22 to make the language thereof definite and clear and numerals have been added to independent claims 1, 18 and 22 for clarity as suggested by the Examiner.

Dependent claims 2-17, subject of Paragraph 7 of the Office Action, dependent claims 19 and 20, subject of Paragraph 9 of the Office Action and claim 22, subject of Paragraph 11 of the Office Action do not require amendment or numerals in that the amendments made to the independent claim, from which each of the above dependent claims depend, overcomes the subsequent rejections of the dependent claims. As such, the dependent claims 2-17, 19, 20 and 22 as written are definite and particularly point out and distinctly claim the subject matter

which Applicant regards as the invention.

In addition, Applicant has amended the specification at the appropriate paragraphs and pages set forth above to provide an antecedent basis for the definite and clear language used in the independent claims 1, 8 and 22.

No new matter has been added in amending and rewriting the applicable paragraphs in the specification.

With respect to the rejection of Claim 1 as set forth in Paragraph 6 of the Office Action, Claim 1, as amended, uses clear and definite language to identify the elements comprising the carrying handle and the element thereof and numerals of the applicable elements as shown in Figs. 1-4 of the drawing have been added for clarity. Further, the paragraphs beginning at line 6 and ending at line 18 of Page 15 of the specification have been rewritten such that specific elements set forth in the claim 1 are specifically identified using the same language in the specification.

With respect to the rejection of Claim 18 as set forth in Paragraph 8 of the Office Action, Claim 18, as amended, uses clear and definite language to identify the elements comprising

the carrying handle and the element thereof and numerals of the applicable elements as shown in Figs. 1-4 of the drawing have been added for clarity. Further, the paragraphs beginning at line 6 and ending at line 18 of Page 15 of the specification have been rewritten such that specific elements set forth in the claim 1 are specifically identified using the same language in the specification.

With respect to the rejection of Claim 21 as set forth in Paragraph 9 of the Office Action, Claim 21, as amended, uses clear and definite language to identify the elements comprising the carrying handle and the element thereof and numerals of the applicable elements as shown in Figs. 1-4 of the drawing have been added for clarity. Further, the paragraphs beginning at line 6 and ending at line 18 of Page 15 of the specification have been rewritten such that specific elements set forth in the claim 1 are specifically identified using the same language in the specification.

With respect to the rejections of Claims 2-17 as set forth in Paragraph 7 of the Office Action, with respect to the rejections of Claims 19 and 20 as set forth in Paragraph 9 of

the Office Action and with respect to the rejection of Claim 22 as set forth in Paragraph 1 of the Office Action, each of the independent claims from which the dependent claims depend have been amended to overcome the rejection under 37 U.S.C. 112, second paragraph. As such, the reasons that each of the independent claims overcome the rejections under 37 U.S.C. 112, second paragraph, are applicable to the rejections of the dependent claims as under 37 U.S.C. 112, second paragraph have been overcome for the same reasons as discussed above.

For all of the above reasons, the Examiner's rejections of Claims 1 through 22 under 35 USC 112, second paragraph, have been overcome in that the Claims 1-22 are now definite and particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### **Summary**

Claims 1 through 22 have been amended to overcome the rejections under 37 U.S.C. 112, second paragraph and are now verily believed to be allowable.

The Examiner is respectfully requested to issue a Notice of Allowability based on Claims 1 through 22 being allowed and to

issue a formal Notice of Allowance.

If the Examiner has further objections to the claim language such that further modification to the claim language would overcome such objections of the Examiner, the Examiner is respectfully requested to call the undersigned for the purposes of conducting a phone interview so that agreement may be reached on wording acceptable to the Examiner.

Respectfully submitted,

Daniel J. Meaney, Jr.  
Registration No. 22,179  
Attorney for Applicant

DANIEL J. MEANEY, JR.  
P. O. Box 22307  
Santa Barbara, California 93121-2307  
Telephone: (805) 687-6909  
Dated: January 24, 2003

APPLICANT: DOUGLAS RUGG )  
 ) GROUP ART UNIT  
SERIAL NO: 09/527,066 ) 3727  
 )  
FILED: March 17, 2000 ) EXAMINER  
 ) STEPHEN P. GARBE  
FOR: BAG FOR CARRYING A BALL )  
 )

---

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Please amend the specification as follows:

Please replace the Paragraphs beginning at line 6 and ending at line 18 of Page 15 with the following rewritten paragraphs:

As illustrated in Fig. 1, a carrying handle, shown generally as 60, has a first strap member 64 having a first end 68 and a second end 70. The first end 68 is operatively secured to the outer member 34 at location 72. The second end 70 is formed into a loop [, which is adapted to receive a first ring-shaped strap-connecting] and terminates in a connecting member 76.

The carrying handle 60 includes a second strap member 90 which [, in this embodiment, is formed into a open loop member which is operatively secured at] has a first end 92 and a second



end 79. The first end 92 is operatively mounted on the exterior surface [to the outer member 34 at a selected location on] of the outer member 34. The [open loop strap 90 has a] second end 79 [which is operatively connected to the strap] interacts with the connecting member 76 to form a carrying handle 60 for carrying and transporting the bag. [and which permits relative movement of the strap] The connecting member 76 [within the open loop strap 90] and the second end 79 are moveable relative to each other.

A fastening member 50 is located within the opening 38 and extends in a selected direction on the outer member 34. At least a portion of the fastening member 50 extends in a direction substantially perpendicular to the carrying handle 60. The carrying handle 60 is positioned to refrain from interfering with the inserting and removing of a ball from the outer member 34 defining the bag.

In the paragraph commencing at line 17 and ending at line 23 of Page 17, please amend the paragraph as follows:

The bag for holding a ball 430 as illustrated in Fig. 14 includes a ruggedized carrier shown generally as 490 having a

carrying handle 464 and an elongated carrying strap 492. The carrying handle 464 has a first end shown by arrow 468 and a second end shown by arrow 470. The first end 468 is operatively connected to the outer member 434 at location [472] 72. The second end 470 terminates in a connecting member 476.

#### IN THE CLAIMS

Claims 1, 18 and 21 have been amended as follows:

1. (Twice Amended) A bag for carrying a ball wherein said bag includes a an outer member (34) defining an interior and an exterior surface configured in the shape of a ball and having an opening (38) positioned therein for inserting and removing a ball from the outer member, said bag comprising

a carrying handle (60) operatively connected in a predetermined position to said outer member (34) at a location other than the opening (38), said carrying handle (60) having [an elongated] a first strap member (64) having a first end (68) and a second end (70), said first end (68) being operatively

connected to said exterior surface of said outer member (34), said second end (70) terminating in a connecting member (76) [,] and a second strap member (90) having a [mounting] first end (92) and [cooperating connecting member] a second end (79), said [mounting] first end (92) being operatively mounted on the exterior surface of said outer member (34) and said [cooperating connecting member] second end (79) interacting with said connecting member (76) forming a carrying handle (60) wherein said connecting member (76) and said [cooperating connecting member] second end (79) are moveable relative to each other; and

a fastening member (50) located within said opening (38) and extending in a selected direction on said outer member (34) wherein at least a portion thereof extends in a direction substantially perpendicular to said carrying handle (60), said carrying handle (60) being positioned to refrain from interfering with the inserting and removing of a ball from said outer member (34) defining the bag.

18. (Fourth Amended) A bag for holding a ball comprising an outer member (34) having an interior and an exterior surface configured in the shape of a ball and defining an inner

enclosed space, said exterior surface including an opening (38) formed therein in a selected direction and in communication with said inner enclosed space for affording the insertion and removal of ball therefrom;

a carrying handle (60) [having a first end and a second end] operatively connected in a predetermined position to said outer member at a location other than the opening (38), said carrying handle having [an elongated] a first strap member (64) having a first end (68) and a second end (70), said first end (68) being operatively connected to said outer member (34), said second end (68) terminating in a connecting member (76), and [a] said first strap member (64) having a [mounting] first end (92) and [cooperating connecting member] a second end (79), said [mounting] said first end (92) being operatively mounted on the outer member (34) and said [cooperating connecting member] second end (79) interacting with said connecting member (76) forming a carrying handle (60) wherein said connecting member (76) and said [cooperating connecting member] said second end (79) are moveable relative to each other;

a fastening member (50) having an open and a closed

position, said fastening member (50) being operatively connected to said opening (38) wherein at least a portion thereof extends in a direction substantially perpendicular to said first end (92) and said second end (79) of the carrying handle (60) and being adapted to make said opening (38) an unsecured opening when said fastening member (50) is in the open position and adapted to make said opening (38) a secured opening when said fastening member (50) is in a closed position; and

at least one outer pocket (40) configured to be expanded to receive an article wherein said at least one outer pocket (40) is positioned on and protrudes outwardly from the exterior surface of said outer member at a location other than the opening (38) and having an entryway enabling the insertion and removal of an article from said one outer pocket (40).

21. (Thrice Amended) A bag for holding a ball comprising a outer member (34) having an interior and an exterior surface configured in the shape of a ball and defining an inner enclosed space, said exterior surface including an opening (30) formed therein in a selected direction and in communication with said inner enclosed space for affording the insertion and

removal of ball from said outer member;

a carrying handle (60) having a first strap member (64) having a first end (68) and a second end (70) operatively connected in a predetermined position to said outer member (34) at a location other than the opening (38), [said carrying handle being positioned at a location other than the opening,] said carrying handle (60) having [an elongated strap having a first end and a second end,] said first end (68) being operatively connected to said exterior surface of said outer member (34), said second end (70) terminating in a connecting member (76), and a [loop] second strap member (90) having a [mounting] first end (92) and [cooperating connecting member,] said [mounting] second end (79) [being operatively mounted on the exterior surface and said cooperating connecting member] interacting with said connecting member (76) forming a carrying handle (60) wherein said connecting member (76) and said [cooperating connecting member] second end (79) are moveable relative to each other;

a fastening member (50) having an open and a closed position, said fastening member (50) being operatively connected

to said opening (38) wherein at least a portion thereof extends in a direction substantially perpendicular to said first end (68) and said second end (70) of the carrying handle and being adapted to make said opening an unsecured opening when said fastening member is in the open position and adapted to make said opening (38) a secured opening when said fastening member (50) is in a closed position; and

at least one outer pocket (40) positioned on and protruding outwardly from the exterior surface of said outer member (34) at a location other than the opening (38) and having an entryway (42) enabling the insertion and removal of an article from said one outer pocket (40).

267 55441amen